

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Pursuant to the authority of Iowa Code section 96.11, the Director of the Workforce Development Department hereby amends Chapter 24, "Claims and Benefits," Iowa Administrative Code.

The amendments to subrules 24.13(3) and 24.16(1) clarify that paid time off, annual leave, and excused personal leave are included in the term "vacation pay" and are likewise deductible from unemployment.

Notice of Intended Action was published in the January 8, 2014, Iowa Administrative Bulletin as **ARC 1286C**. No public comment was received. These amendments are identical to those published under Notice.

After analysis of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 96.3(3), 96.5(5), 96.5(7), 96.11(1) and 96.19(38).

These amendments will become effective on April 9, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 24.13(3) as follows:

24.13(3) *Fully deductible payments from benefits.* The following payments are considered as wages; however, such payments are fully deductible from benefits on a dollar-for-dollar basis:

a. No change.

b. Excused personal leave. Excused personal leave, also referred to as casual pay or random pay, is personal leave with pay granted to an employee for absence from the job because of personal reasons. It shall be ~~fully deductible only when taken in conjunction with a scheduled period of vacation in which case it shall be treated as vacation and be fully deductible in the manner prescribed in rule 871—24.16(96).~~

c. to e. No change.

ITEM 2. Amend subrule 24.16(1) as follows:

24.16(1) If the employer properly notifies the department within ten days after the notification of the filing of the claim that an amount of vacation pay, either paid or owed, is to be applied to a specific vacation period, a sum equal to the wages of the individual for a normal workday shall be applied to the first and each subsequent workday of the designated vacation period until the amount of the vacation pay is exhausted. For the purposes of this rule, rule 871—24.13(96), and rule 871—24.17(96), the term "vacation pay" shall include paid time off and annual leave payments.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/14.